
In Re:

**GENERAL ASSIGNMENT
ORDER**

**Appointment of Judges In
Post-Conviction Proceedings
in the Tenth Judicial District.**

Whereas, the Chief Judge of the Tenth Judicial District receives requests to assign trial judges to hear post-conviction proceedings under the provisions of Minnesota Statutes Chapter 590;

Whereas, it has been the historical practice of the Chief Judge of the Tenth Judicial District to review individually each and every post-conviction petition and request for assignment of a judge to hear and consider the post-conviction matter;

Whereas, the current practice of assigning trial court judges to hear post-conviction proceedings in the Tenth Judicial District consumes vast amounts of time and energy by the respective court administrators in copying and forwarding to the Chief Judge all of the post-conviction pleadings which can be voluminous, including copies of correspondence from pro-se Defendants, their counsel if represented, the State Public Defender if engaged, or the respective county attorney;

Whereas, it is the practice in the Tenth Judicial District to assign the sentencing judge in the underlying case to hear any Petition for Post-Conviction Relief, and in the event that the sentencing judge is no longer a sitting member of the Tenth Judicial District Bench as a result of retirement, disability, death or other grounds, to assign the judge who replaced the unavailable sentencing judge to the post-conviction matter; and

Whereas, the time and effort to appoint and assign a post-conviction relief judge can be better utilized and streamlined by the following general assignment order to be adhered to in all post-conviction relief petitions that are filed on and after December 17, 2012 as follows:

IT IS HEREBY ORDERED:

1. Upon the receipt and filing of a post-conviction relief petition, whether it is filed by a defendant acting pro-se or by counsel representing the defendant, the court administrator shall determine the sentencing judge in the underlying criminal case. That judge, pursuant to this General Assignment Order, is hereby appointed to hear Petitioner's Petition for Post-Conviction Relief.

2. In the event that the sentencing judge is no longer a sitting member of the Tenth Judicial District Bench, as a result of retirement, disability, death or other grounds, the court administrator shall determine the judge who replaced the unavailable trial court judge. That judge, pursuant to this General Assignment Order, is hereby appointed to hear Petitioner's Petition for Post-Conviction Relief.

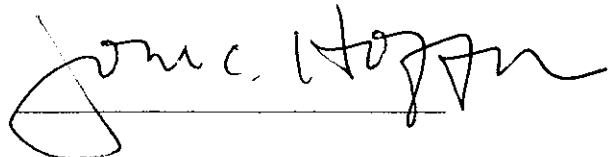
3. In the event that the sentencing judge is retired but currently sitting as a Senior Judge, the Senior Judge may only be assigned to hear the post-conviction matter by specific appointment of the Chief Judge of the Tenth Judicial District.

4. The Court Administrators of the Tenth Judicial District in each case shall provide a copy of the Notice of Assignment to the assigned trial court judge and shall serve a copy of the Notice of Assignment upon Petitioner and upon counsel of record, which shall constitute due and proper service of the Notice of Assignment for all purposes.

Nothing in this order precludes assignment of any case to another judge in the sole discretion of the Chief Judge.

Dated: 12/10/12

BY THE COURT:

A handwritten signature in black ink, appearing to read "John C. Hoffman", written over a horizontal line.

Tenth Judicial District

John C. Hoffman, Chief Judge